

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
ACCESSIBILITY, see AMERICANS WITH DISABILITIES ACT (ADA)	
ADMINISTRATIVE ADJUDICATIONS, see generally	Chapter 10
ADMINISTRATIVE LAW JUDGE	10.9.3, 10.9.9.1
Board Review Options	10.10.2.4.1, 10.10.2.4.2
Jurisdictional Decisions	10.2.3
Use of, Article 6 Adjudications	10.9.3.3
Use of, Article 10 Adjudications	10.9.3.2
ADMINISTRATIVE REVIEW ACT	13.6.4
AFFIRMATIVE ACTION	15.14, 15.14.1
AGE DISCRIMINATION	15.3, 15.10, 15.10.1, 15.15
AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)	15.3, 15.10, 15.10.1, 15.11.1, 15.13, 15.15.1, 15.23
“AGENCY”, definition	10.2.1
AGENCY INITIATED PROCEEDINGS	10.6.2
AMERICANS WITH DISABILITIES ACT (ADA), see also DISCRIMINATION	
Private Entities	15.11, 15.25
Public Entities	15.11, 15.25
Title I (Employment)	15.11, 15.11.1, 15.11.2, 15.11.4, 15.13, 15.20, 15.24
Title II (Governmental Services)	15.11, 15.25, 15.25.1, 15.25.3, 15.27
Title III (Public Accommodations and Services Operated by Private Entities)	15.25, 15.25.4
Remedies	15.20, 15.24
ANTITRUST, see generally	5.9 - 5.9.10
Application To State Government	1.3.13, 5.9.9
Arizona Uniform State Antitrust Act	1.3.13, 5.9.4.1
Attorney's Fees and Costs, see	

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
ATTORNEY'S FEES AND COSTS	
Bidding, see Violations,	
Cease and Desist Orders	5.9.3.3
Clayton Antitrust Act	5.9.3.2, 5.9.7
Conspiracies in Restraint of Trade	5.9.3.1, 5.9.5 - 5.9.5.7, 5.9.8 - 5.9.8.6, 14.3.9
Damage	5.9.3.2, 5.9.4.2
Debarment	5.9.4.2
Detection of violations, see violations, this index	
Duties of Public Employees	1.3.13, 5.9.1, 5.9.8, 5.9.9, 9.10 - 9.10.3
Enforcement	
attorney general	1.3.13, 5.9.4 - 5.9.4.2, 5.9.7
county attorney	5.9.4.2, 5.9.7
federal	5.9.3 - 5.9.3.3, 5.9.7
private attorney general doctrine	1.3.13, 5.9.4.1, 5.9.7
Exemptions	5.9.6
Federal Antitrust Laws	5.9.3, 5.9.5,
Federal Trade Commission Act	5.9.3.3, 5.9.7
Horizontal Restraints	5.9.5
Immunity, see IMMUNITIES	
Injunction	5.9.4.1
Licensing Agencies	9.10 - 9.10.3
McCarran - Ferguson Act	5.9.6
Penalties	5.9.3.1
Policy	5.9.2
Procurement	5.9 - 5.9.9
Remedies	5.9.3 - 5.9.3.3, 5.9.4 - 5.9.4.2, 5.9.7, 5.9.10
attorney's fees, see ATTORNEY'S FEES AND COSTS	
cease and desist orders	5.9.3.3
criminal	5.9.3.1
damages	5.9.3.2, 5.9.4.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
debarment	5.9.4.2
injunction	5.9.4.1
<i>parens patriae</i>	5.9.3.2
penalties	5.9.3.1
Robinson - Patman Price Discrimination Act	5.9.3.2
Service of Process	1.3.13
Sherman Antitrust Act	5.9.3.1, 5.9.7, 14.3.9
State Action Exemption	5.9.6.1
State Antitrust Laws	1.3.13, 5.9.4 - 5.9.4.2
Uniform State Antitrust Act	1.3.13, 5.9.4.1
Violations	5.9.5 - 5.9.5.7, 5.9.8 - 5.9.8.6, 9.10 - 9.10.3 14.3.9
bid-rigging violations	5.9.4.2, 5.9.5, 5.9.5.2, 14.3.9
other bidding violations	5.9.8 - 5.9.8.6
boycotts	5.9.5.5
detection	5.9.8
market division violations	5.9.5.3 - 5.9.5.5
monopolies	5.9.5.6
per se violations	5.9.5
price fixing violations	5.9.5.1
rule of reason violations	5.9.5
tying arrangement violations	5.9.5.4
APA's APPLICATION	10.2, 10.2.2
APPEALABLE AGENCY ACTION	10.2.2.2, 10.5.1.3, 10.6.3 10.7.5
Burden of Proof	10.7.1.2
DEQ Actions	10.2.2.2
Exemptions	10.7.6
Judicial Review	10.7.2
Notice of Appeal	10.7.1
Notice of Appealable Agency Action	10.7.1.1
timing	10.7.2
Notice of Proceeding	10.9.2.1
Time to Hold Hearing	
APPROPRIATIONS, see PUBLIC MONIES	

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
ARIZONA CIVIL RIGHTS ACT	
Affirmative Action	15.14, 15.14.1
Age Discrimination	15.3, 15.10, 15.15.1
Application	15.3, 15.8
Disability Defined	15.11
Disability Discrimination	15.3, 15.11, 15.25
Public Accommodations and Services	15.25
Disparate Treatment	15.16
Enforcement	1.3.14, 15.3
Equal Pay	15.7, 15.8
Facial Discrimination	15.15
Generally	15.3
Limitations Periods	15.3, 15.8
Mixed Motive Discrimination	15.18
National Origin Discrimination	15.3, 15.5, 15.14, 15.15.1, 15.18
Pregnancy/Maternity Discrimination	15.7, 15.7.1
Race Discrimination	15.3, 15.4, 15.14, 15.15.1, 15.18
Religious Discrimination	15.3, 15.6, 15.15.1, 15.18
Remedies	15.3, 15.19, 15.27
Retaliation	15.3, 15.13
Sexual Discrimination	15.3, 15.7, 15.14, 15.15.1, 15.18
Sexual Harassment	15.3, 15.7, 15.7.2
ARIZONANS WITH DISABILITIES ACT	15.25
Remedies	15.27
ARTICLE 6 ADJUDICATIONS	10.4, 10.4.1
Effectiveness of Decision	10.12.1
Hearing Officers, use of	10.9.3.3
Hearing Officer's Recommended Decision	10.10.2.1
Proceedings	10.10.2.1
Reconsideration	10.14.1
ARTICLE 10 ADJUDICATIONS	10.4, 10.4.1, 10.4.2
Accelerating a Hearing	10.9.2.3
ALJ Recommended Decision	10.10.2.2
Application to Most State Agencies	10.4.2
Effectiveness of Decision	10.12.2
Exemptions	10.4.2.1
Initial procedures	10.7-10.7.6

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Proceedings	10.10.2.2
Reconsideration	10.13.2
Use of OAH	10.9.3.2
ASSOCIATION WITH DISABLED INDIVIDUALS DISCRIMINATION	15.2, 15.11, 15.11.4
ATTORNEY GENERAL, see generally	Chapter 1
Contracts	1.7.1
Dual functions	10.16
Grand Jury	1.3.11
Investigations	1.8
Opinions, see OPINIONS	
Organizational Structure	1.3.2
Powers and Duties	1.2 - 1.3.17
bond approval	1.3.10
collection of debt	1.3.15
constitutional	1.2
county attorneys	1.3.7
employment of counsel	1.3.2, 1.3.4
enforcement	
antitrust law	1.3.13
Civil Rights Act	1.3.2, 1.3.14
Consumer Fraud Act	1.3.12
criminal laws	1.3.11
Open Meeting Law	1.3.16
general powers	1.3.1
intergovernmental agreements	1.7.2
leases	1.7.1
opinions	1.3.8, 1.5 - 1.5.5
racketeering	1.3.11
rule certification	1.3.9
settle claims and lawsuits	1.3.6
Representation of State Agencies	1.9 - 1.9.6.2
against state employee acting in individual capacity	1.9.2.5
agency requests	1.9.2.3
conflict of interest	1.9.2.5
enforcement actions	1.9.2.4
advisor during pendency	1.9.4.2
advocate in proceeding	1.9.4.1
combined functions	1.9.4.3
disregard of advice	1.9.4.8

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
judicial review, see also JUDICIAL REVIEW	1.9.4.9
limitations on advisor	1.9.4.7
limitations on advocate	1.9.4.6
preliminary matters	1.9.4.4
prohibition on communication	
between advisor and advocate	1.9.4.5
solicitor general, see Solicitor General, this index	
adverse interest	1.9.2.4
confidentiality	
attorney/client privilege	1.9.2.1
decision maker	
communication limited between advisor and attorney general	1.9.4.5
communication limited between advocate and attorney general	1.9.4.5
disregard of advice	1.9.4.7
judicial review	1.9.4.9
dual roles	
combination of functions	1.9.4.3, 1.9.4.10
in preliminary matters	1.9.4.4
potential for unfairness	1.9.4.1, 1.9.4.10
separation of functions	1.9.4.3, 1.9.4.10
duties of Attorney General	
fiduciary duty	1.9.2.5
in general	1.3.1, 1.9.1
report illegal activities	1.9.2.5
representation of public's interest	1.9.2.1
outside counsel	
appointment	1.9.5.3
control	1.9.5.4
funding	1.9.5.2
representation	1.9.3
quasi-judicial proceedings	1.9.3.3
recusal	1.9.6.1
representation	
advisor	1.9.4.3
as advocate	1.9.4.2
dual, of agency	1.9.3.4, 1.9.3.5
funding	1.9.5.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
multiple agencies	1.9.3
non-judicial	1.9.3.2
outside counsel	1.9.3.3, 1.9.3.5
state in general	1.3.1
role	
advisor limitations	1.9.4.6
advocate limitations	1.9.4.6
government attorney	1.3.4, 1.9.1
Service of Process	13.2 - 13.2.4.3
representation	1.3.4, 1.3.5, 1.9 - 1.9.6.2
agencies	1.4.1, 1.9 - 1.9.6.2
public officers and employees	1.3.5, 1.4 - 1.4.4
Solicitor General	1.9.4.3
ATTORNEY'S FEES AND COSTS	
Antitrust	
common fund doctrine	5.9.10, 13.6.3
costs	5.9.10, 13.6 - 13.6.7
federal law	13.6.2
lodestar figure	5.9.10, 13.6.2
prevailing party	5.9.10, 13.6 - 13.6.2
private attorney general doctrine	1.3.13, 5.9.4.1, 5.9.7
state law	13.6.7
Contract Claims	13.6.7
Discrimination	15.21-15.24, 15.27
Liabilities	13.3 - 13.3.2.1
Open Meeting Law	7.12.4
Tort Claims	13.5.2.5
BIAS	10.9.4.1
BONA FIDE OCCUPATIONAL QUALIFICATIONS	
Age	15.10, 15.15, 15.15.1
National Origin	15.5, 15.15, 15.15.1
Prohibitions	15.4, 15.15.1
Qualifications Excluded	15.8, 15.12
Religion	15.15, 15.15.1

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Sex	15.7, 15.15, 15.15.1
BURDEN OF PROOF	10.7.5, 10.9.9.9
CITIZENSHIP REQUIREMENTS	
CIVIL RIGHTS, see DISCRIMINATION	
CIVIL RIGHTS ACTS	
Arizona, see ARIZONA CIVIL RIGHTS ACT	
Federal	
of 1964	15.7, 15.27
of 1991	15.2, 15.4, 15.20, 15.21, 15.24
Title III (Public Facilities)	15.25
Title VI (Federally Assisted Programs)	15.27
Title VII (Employment)	15.2 -15.5.1, 15.6- 15.8, 15.11.1, 15.12-15.18, 15.20, 15.21, 15.24
CIVIL RIGHTS ATTORNEY'S FEES ACT OF 1976	15.21
CLAIMS AGAINST THE STATE, see generally	Chapters 4, 13
Adjustment	4.9
Appropriations	4.8 - 4.10
lack	4.10
lapsing	4.8, 4.9.3.3
Authorized	4.7
Contract, see CONTRACT CLAIMS	
Damage	4.9.3.1
Payment	4.7, 4.10
Tort, see TORT CLAIMS	
COMBINING FUNCTIONS	10.15
COMMUNICATIONS, see AMERICANS WITH DISABILITIES ACT (ADA)	
COMPLAINTS	
§ 1983	13.3.2.1
CONCLUSIONS OF LAW	10.10.1.1 10.10.2.4.2.2
Changes to	
CONFIDENTIAL RECORDS, see PUBLIC RECORDS	
CONFLICT OF INTEREST, see generally	Chapter 8
Advisory Bodies	8.4.1
Applicable Arizona Law	
conflict of interest laws	8.2 - 8.5
other prohibitions	8.2 - 8.3
Compliance	8.6 - 8.9



## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
disclosure	8.2, 8.8.7
rule of impossibility	8.8
Confidential Information	8.12, 8.13
Contracts	8.5, 8.5.1
Improper Use of Office	8.14
Income for Services	8.15
Incompatibility Doctrine	8.2.1
Penalties	2.15(27),(31); 8.146- 8.16.4
Persons Covered	8.2.2
Quorum, see QUORUM REQUIREMENT	
Relatives	8.2.5
Remote Interests, see generally	8.4 - 8.4.11
Representation	8.11
Substantial Interest	8.3
Violation	2.15(27), (31)
CONSENT ORDER	10.5.5
CONSUMER FRAUD ACT	1.3.12
CONTESTED CASES	10.2.2.1, 10.8- 10.8.5
Complaint & Notice of Hearing	10.8.1, 10.8.2.2
Due Process	10.8.2.1
Initiating	10.8.1
Notice	10.8.2
Response	10.8.5
Service	10.8.3
Timing of Service	10.8.4
Time to Hold Hearing	10.9.2.2
CONTRACTS	
Attorney General's Role	1.7 - 1.7.2
Cancellation	1.7.1
Claims	4.9.1 - 4.10, 13.3.1 - 13.3.4.4
adjustment	4.9.1 - 4.9.2.4, 4.9.3.2
attorney's fees	13.5.2.5
exceptions	13.3.3
judicial review	13.6.4
procedures	13.6.3
procurement	5.6.3 - 5.6.3.2
refunds	4.9.1.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Interagency Services Agreement	4.5.1.3
Intergovernmental Agreements	1.7.2, 4.5.1.3, 5.7 - 5.7.2
Mandatory Provisions	1.7.1
Procurement, see PROCUREMENT	
Review	1.7.1
Title 35	13.6.3.1
COSTS AND FEES, recovery of	10.18
COUNSEL	
Corporation	10.6.4.1
Intervention	10.6.5
Layperson	10.6.4.1
<i>Pro Hac Vice</i>	10.6.4.2
COVERAGE AGAINST LIABILITY, see generally	Chapter 13
Acts Constituting Felonies	13.4.7.1
Acts Excluded From	13.4.7
Automobile	13.4.4
Extent	13.4.3
If Acting Outside Course and Scope of Employment	13.4.7.3
If Acting Within Course and Scope of Employment	13.4.2
Insurance/Self Insurance	13.4.1
Property	13.4.6
Punitive Damages	13.4.5
CRIMES, see generally	Chapter 14
Antitrust	14.3.9(a)
Audit	2.15(15)
Bribes	2.15(4), (26); 14.3.6
Computer Software Copying	14.3.9(b)
Confidential Information	14.3.11(6)
Conflict of Interest Violation, see CONFLICT OF INTEREST	
Copyright Violation	14.3.9(b)
Criminal Damages	14.3.2
Embezzlement	14.3.3
Employment of Relatives	2.15(30)
Failure to Perform Required Duty	2.15(25), 14.3.8(1)
False Certificate	2.15(23), 14.3.7

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Financial Records or Reports Violations	2.15(21), 14.3.5 14.3.4
Fiscal Provision Violation	2.15(13)
Forgery	14.3.4
Fraud	14.3.4
Impersonating Public Employee	2.15(2), 14.3.5, 1.3.8(6)
Impersonating Public Official	2.15(18), (24); 14.3.5
Improper Influence	14.3.6
Loyalty Oath Violation	2.15(17)
Misappropriation of Public Money	2.15(16)
Obstructing Government Operations	2.15(1), 14.3.5
Overcharging Fees	2.15(20), 14.3.8(2)
Perjury	2.15(6), (7), (8) 14.3.7
Reporting	14.2
Retention of Subordinate's Salary	2.15(33)
Sale of Public Office	2.15(5), (28), (29); 14.3.6
Tampering with Public Records	2.15,(3), (19), (22); 14.3.85
Tampering with a witness	2.15(9)
Theft	14.3.3
Warning Signs	14.4.4.1(a) - 14.4.4.1(b)
CROSS EXAMINATION	10.5.3.2
DECISION	
Affirm/Accept/Decline to Review	10.10.2.4.1
Agency Head	10.10.2.2.2.1
Board	10.10.2.2.2.2
Changes	10.11.1
Effectiveness	10.12
Final	10.5.3.4
Final-delivery to OAH	10.10.2.2.2.4
Finality	10.12
Form	10.11
Making	10.10-10.10.5
Reconsideration	10.14
Reject/modify All or Part	10.10.2.4.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Service	10.13
DEFAULT	10.5.5, 10.8.5
DISABILITY DISCRIMINATION, see DISCRIMINATION	
DISCIPLINARY ACTIONS, see ENFORCEMENT	
DISCIPLINARY PROCEEDINGS	10.5.1.1, 10.6.2.1
DISCOVERY	10.9.6
Article 6 Adjudications	10.9.6
Article 10 Adjudications	10.9.6
Depositions	10.9.6
Exhibits	10.9.6.1
Investigative Materials	10.9.6.2
Subpoenas	10.9.6
Witnesses	10.9.6.1
DISCRIMINATION, see generally	Chapter 15
see also AMERICANS WITH DISABILITIES	
ACT (ADA) and CIVIL RIGHTS ACTS	
In Employment	
age basis, see AGE DISCRIMINATION	
IN EMPLOYMENT ACT (ADEA) and OLDER	
WORKERS' BENEFITS PROTECTION ACT	
alienage basis	15.5, 15.5.2
disability basis	15.3, 15.11, 15.15, 15.25
association with disabled individuals	15.2, 15.11, 15.11.4, 15.25
definition of disability/handicap	15.11
direct threat	15.11.1
employer misconception	15.11
medical inquiries and exams	15.11.2
otherwise qualified individual	15.11, 15.11.1
practical pointers	15.11.4
reasonable accommodations	15.11, 15.11.1, 15.11.4, 15.14
remedies	15.24
stereotypes	15.7, 15.11, 15.25.1
undue hardship	15.11.1
equal pay, see EQUAL PAY ACT	
extraterritorial employment	15.2
harassment (nonsexual)	15.4, 15.9

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
intersectional	15.12
language basis	15.5, 15.5.1
mixed motive	15.2, 15.18
national origin basis	15.2, 15.3, 15.5, 15.14, 15.15, 15.18
pregnancy/maternity basis	15.7, 15.7.1
race basis	15.2-15.4, 15.12, 15.14, 15.15, 15.18
reasonable accommodation, see REASONABLE ACCOMMODATION	
religion basis	15.2, 15.3, 15.6, 15.15, 15.18
remedies, see Remedies, this index	
research resources	15.28
retaliation see RETALIATION	
sex basis	15.2, 15.7, 15.12, 15.14, 15.15, 15.18
sexual harassment, see SEXUAL HARASSMENT	
theories of discrimination	
facial discrimination	15.7, 15.10, 15.15
disparate impact	15.2, 15.4, 15.7, 15.10, 15.17
disparate treatment	15.7, 15.15, 15.16
In Governmental Services	
disability basis	
alterations	15.26
auxiliary aids and services	15.25.2, 15.25.5
communications	15.25.5
definition of disability/handicap	15.25
general prohibitions	15.25.1
new construction	15.26
physical accessibility requirements	15.25.3
program accessibility	15.25.4
remedies, see Remedies, this index	
segregation of the disabled	15.25.1, 15.25.2
Remedies	
Age Discrimination in Employment Act	15.23
Americans with Disabilities Act	15.20, 15.24, 15.27
Civil Rights Act of 1991	15.20, 15.21, 15.24
Arizona Civil Rights Act	15.19

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Attorney's Fees	15.21 -15.24, 15.27
Equal Pay Act	15.22
Title VII	15.20
"reverse" discrimination see "REVERSE" DISCRIMINATION	
DISQUALIFICATION	10.9.4.2, 10.9.4.3
Effect on Quorum	10.9.4.3
Procedures	10.9.4.2
DUE PROCESS	10.2.2.3, 10.5.3, 10.10.2.3
Combining Functions	10.15
Letter of Concern	10.2.2.3
ELEVENTH AMENDMENT, see IMMUNITIES	
"ENGLISH ONLY" RULES	15.5.1
ENFORCEMENT, see generally	Chapter 12
Administrative Penalties	12.4.3.6
Administrative Enforcement	12.4 - 12.4.3.9
see also ADMINISTRATIVE ADJUDICATIONS	
Antitrust, see ANTITRUST	
Attorney General, see ATTORNEY GENERAL	
Authority to Conduct Investigations	12.3.1
Cease and Desist Orders	12.4.3.5
Civil Enforcement	12.5 - 12.5.3
Civil Penalties	12.5.2
Compulsory Investigative Powers	12.3.3
Consent Orders	12.4.2
Criminal Enforcement	12.6
Development of an Enforcement Philosophy	12.2
Disciplinary Action	9.6 - 9.6.8, 9.6.1
agencies in other jurisdictions consent order	
conviction of criminal offence	
moral turpitude	9.6.2
violation of agency law	9.6.3 - 9.6.8
violation of civil law	9.6.3
Disposition by Informal Meeting	12.4.1.2
Disposition by Correspondence	12.4.1.1
Drawing Adverse Inference	
from Fifth Amendment Invocation	12.3.5
Immunity, see IMMUNITIES	
Indians, see INDIANS	
Informal Conference	12.4.1.3
Informal Dispositions	12.4.1 - 12.4.1.3

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Injunctive Actions	12.5.1
Investigations	12.3 - 12.3.6
License Revocation and Suspension	12.4.3.1
Lobbying, see LOBBYING	
Noncompulsory Investigative Powers	12.3.2
On-site Inspection of Business Premises and Records	12.3.3.2
Proceedings	10.5.1.1, 10.6.2.1
Probation	12.4.3.4
Procurement, see PROCUREMENT	
Receiverships	12.5.3
Refusal to Renew	12.4.3.3
Required Records and Reports	12.3.3.1
Restitution	12.4.3.4
Sanctions	12.4.3 - 12.4.3.9
Sources of Information	12.3.6
Subpoenas	12.3.3.3
Summary Suspension	12.4.3.2
Suspension	12.4.3.2
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) GUIDELINES	
Age Discrimination	15.10
Disability Related Inquiries and Medical Exams of Employees (Enforcement Guidance)	15.11.2
National Origin Discrimination	15.5.1
Reasonable Accommodation and Undue Hardship Under the ADA (Enforcement Guidance)	15.11.1
Religious Discrimination	15.6
Sex Discrimination	15.7, 15.7.2
Technical Assistance Manual on Employment Provision of Title I of ADA	15.11.4
Vicarious Liability for Unlawful Harassment by Supervisor (Enforcement Guidance)	15.9
EQUAL PAY ACT	15.3, 15.8, 15.23
Remedies	15.22
EQUAL PROTECTION CLAUSE	15.5.2, 15.14
EVIDENCE	10.5.3.2, 10.9.9.8- 10.0.0.8.10
Cognizable Facts	10.9.9.8.9
Depositions	10.9.9.8.2.1
Exclusion	10.9.9.8.7

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Exhibits	10.9.9.8.8
Experts	10.9.9.8.10
Forms	10.9.9.8.1
Hearsay	10.9.9.8.5
Oaths and Affirmations	10.9.9.8.2
Objections	10.9.9.8.3
Relevant/Probative	10.9.9.8.4
Right to Present	10.5.3.2
Technical and Scientific Facts	10.9.9.8.9
EXECUTIVE SESSION, see OPEN MEETING LAW	
<i>EX PARTE</i> COMMUNICATIONS	10.9.4.4, App. 10.3
EXHIBITS, disclosure	10.9.6.1
EXPERT TESTIMONY	10.9.9.8.10
FACTUAL FINDINGS, changes to ALJ recommendation	10.10.2.4.2.1
FAIR LABOR STANDARDS ACT	15.1, 15.3, 15.22, 15.23
FEEES AND EXPENSES, reimbursement	10.5.6
FIFTH AMENDMENT	10.9.9.8.6.1
FINAL DECISION	
Based Solely on the Record	10.5.3.4
FINDINGS OF FACT AND CONCLUSIONS OF LAW	10.10.1.1
Changes to ALJ Recommendation	10.10.2.4.2.1, 10.10.2.4.2.2
FIRST AMENDMENT	15.6
FUNDS, see PUBLIC MONIES	
GRAND JURY	1.3.11
HEARINGS	
Deciding if required	10.3
HEARING PROCEDURES	10.9-10.9.9.9.1
ALJ, use of	10.9.3
Conducting	10.9.9-10.9.9.9
Consent Order	10.5.5, 10.10.5
Default	10.5.5, 10.10.5
Disqualification of Decisionmaker	10.9.4.1-10.9.4.3
Interpreters	10.9.9.6
Initiating	10.9.1
OAH	10.9.3, 10.10.2.2.1, 10.10.2.2.2, 10.10.2.2.2.3, 10.10.2.2.2.4, 10.10.2.3



## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Order	10.9.9.7-10.9.9.7.5
Presiding Officer	10.9.9.1
Record	10.9.9.5
Settlement	10.5.5, 10.10.5
Standards of Conduct	10.9.9.2-10.9.9.3
Stipulation	10.5.5, 10.10.5
Time Requirements	10.9.2
IMMIGRATION REFORM & CONTROL ACT OF 1986	15.5.2
IMMUNITIES, see generally	Chapter 13
Absolute	13.3.4.2
Based on Federal Law	12.3.4, 13.3.4
Based on State Law	13.3.3
Defenses Based on Immunities	13.3.1
Determination of Immunity	1.3.13, 5.9.9, 13.3.3
Eleventh Amendment Protection	13.3.4.1, 15.23, 15.24
Fifth Amendment	12.3.4
Granting Immunity	12.3.4
Qualified	13.3.4.3
Standard of Determination	13.3.4.3
State Action	5.9.6.1, 13.3.4.4, 13.3.1
Statutory	13.3.1
INDEPENDENT ADMINISTRATIVE LAW JUDGE	10.5.6
INDIANS	
Application to State Law	12.8.1
Jurisdiction, see generally	12.8
federal jurisdiction	12.8.1
state jurisdiction	
criminal	12.8.1
federal authorization	12.8.1
on reservations	12.8.1
summarized	12.8
Preemption	
Federal	12.8
Tribal	12.8
Summary	12.8
Tribal Sovereignty	12.8
INFORMAL DISPOSITION	10.5.5, 10.10.5
INFORMAL SETTLEMENT CONFERENCE	10.7.4

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
IMPARTIALITY OF PRESIDING OFFICIAL OR DECISION MAKER	10.9.4
INSURANCE, see generally	Chapter 13
Course of Employment	13.4.2
Coverage	13.4.3 - 13.4.7
acts excluded from	13.4.7
automobile	13.4.4
extent of	13.4.3
property	13.4.6
Indemnification of State Employees	13.4.1
Punitive Damages	13.4.5
INTERPRETERS	10.9.9.6
INTERVENTION	10.6.5
"As of Right"	10.6.5.1
Discretionary	10.6.5.2
INVESTIGATIVE MATERIALS, disclosure	10.9.6.2
JUDICIAL REVIEW	1.10.4.9, 10.7.6, 10.17
JURISDICTION	10.2.3
LANGUAGE DISCRIMINATION	15.5, 15.5.1
LEASES	1.7.1
"LEGAL RIGHTS, DUTIES OR PRIVILEGES", definition	10.2.2.3
LIABILITIES, see generally	Chapter 13
Attorney General Opinions	1.3.8, 1.5 - 1.5.5
Attorney's Fees and Costs, see ATTORNEY'S FEES AND COSTS	
Based on Federal Law	13.3.2
Based on State Law	2.15, 13.3.1
Claims, see CLAIMS AGAINST THE STATE	
Complaints, see COMPLAINTS	
Employment	13.3.3
Insurance, see COVERAGE AGAINST LIABILITY	
LICENSING	
Antitrust	9.10
Criminal History Records	9.9.4
Definition	10.2.2.1
Disciplinary Actions, see ENFORCEMENT	
Entry Qualifications	9.3 - 9.3.4
reciprocity and endorsement	9.3.4
General Qualifications	9.2
Issuing	9.4, 9.4.2
applications and screening	9.4.1

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
time frames	9.4.2
denial	9.4.4
No Contest Pleas	9.9.2
Reinstatement	9.8.2
Regulation	9.5
types	9.2
Renewal	9.8.1
Restoration of Civil Rights	9.9.2
Social Security Numbers	9.9.3
Voluntary Surrender or Cancellation of License	9.7
LOBBYING, see generally	Chapter 16
Definition of Terms	16.2 - 16.13
Enforcement	16.14
Exceptions	16.9, 16.10, 16.2.10
Exemptions	
expenditures	16.2.4, 16.5
gifts	16.2.10, 16.8
lobbyists	16.2.1, 16.2.2, 16.5
registration and reporting	16.4, 16.5-16.9
uncompensated members	16.10
Prohibitions	
during session	16.11
entertainment ban	16.13
exceptions	16.8
gifts and expenditures	16.8
prohibited acts	16.12
officers and employees	16.8
Registration	
lobbyists	16.4
public body	16.3, 16.2.9
reporting	1-7.4 - 16.7, 16.9
single expenditures	16.2.5
Reports	
exclusions	16.6
expenditures - lobbyist	16.7
expenditures - public body	16.5
violation	2.15(35)
MAJORITY VOTE	10.10.4.1
MATERNITY - see PREGNANCY/MATERNITY	

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
MINIMUM RIGHTS	10.5.3
MOTIONS	10.9.7
Argument	10.9.7.3
Disposition	10.9.7.4
Response	10.9.7.2
Use of	10.9.7.1
NATIONAL ORIGIN DISCRIMINATION	15.2, 15.3, 15.5, 15.14, 15.18
NOTICE	
Claim Against the State	13.2, 13.5-13.5.1.5
Contents of Notice	13.5.1.1
Executive Sessions	7.6.4, 7.6.7, 7.6.8
Hearing, notice of, generally	10.7-10.7.3
Judicially Cognizable Facts	10.9.9.8.9
Public Meetings	7.6 - 7.6.9
Technical and Scientific Facts	10.9.9.8.9
OAH	
Procedural Rules	10.4.2
OFFICE OF THE OMBUDSMAN - CITIZEN'S AID	10.5.6
OLDER WORKERS' BENEFITS PROTECTION ACT	15.10, 15.10.1
OPEN MEETING LAW, see generally	Chapter 7, 10.9.9.4
Agendas	7.7 - 7.7.10
Attorney's Fees	7.12.4
Confidentiality	
executive session minutes	7.8.4
records	7.9.5
Coverage	
government bodies not covered	7.4 - 7.4.8
government bodies covered	7.3 - 7.3.6
Emergencies	7.7.9
Executive Sessions	7.9 - 7.9.11
minutes	7.8.1, 7.8.3, 7.8.4
History	7.2.1
Legislative Intent	7.2.2
Minutes	7.8 - 7.8.4
executive sessions	7.8.1, 7.8.3, 7.8.4
form and access	7.8.1
public meetings	7.8.1, 7.8.2
Notice	7.6 - 7.6.9
personnel matters	7.9.4, 7.9.8

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
student matters	7.4.4
sanctions for violations	7.12 - 7.12.6
Public Access to Meetings	7.10, 7.10.3
Ratification	7.11 - 7.11.2
OPINIONS	
Authority to Issue	1.3.8, 1.5.1
County Attorney	1.5.4
Education Opinions	1.5.4
Opinion Review	1.5.4
Opinion Summaries	1.5.5
Request Procedure	1.5.2
Scope of opinions	1.5.3
OTHER ADJUDICATIONS	10.5.1.4
PARTIES	
Appealable Agency Actions	10.6.3
Counsel	10.6.4
Definition	10.5.3.1
Standards of Conduct	10.9.9.3
PERSONNEL, see generally	Chapter 3
Agency Actions	3.6 - 3.6.3
Appeal	3.4
Conflict of Interest	3.9.2
Covered Employees	3.2.2
Demotion	3.3.3, Form 3.3
Disciplinary Actions	3.3 - 3.4
Disclosure of Information	
employee	3.4.1
employer	3.10
Discrimination	3.11 - 3.11.7
Dismissal	3.2.1 - 3.2.4, 3.3.4; Forms 3.4 - 3.8
Employee Status	3.2 - 3.2.4
Employment of Relatives	3.9.4
Equal Employment Opportunity	
affirmative action	3.11.1.8
age discrimination	3.11.6
complaints	3.11.1, 3.11.2
confidentiality	3.11.1.2
grievances	3.11.7
handicap discrimination	3.11.5

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
interviewing	3.11.1.6
nationality discrimination	3.11.2
nondiscriminatory work environment	3.11.1.7
race discrimination	3.11.2
religious discrimination	3.11.4
retaliation	3.11.1.5
settlement agreements	3.11.1.3
sex discrimination	3.11.3
sexual harassment	3.11.3.1
Exempt Employees	3.2.1
Grade Decrease	3.7.2
Gratuity Policy	3.9.1
Grievances	3.5, 3.11.7
Inquiries	3.10
Leave	3.8 - 3.8.9
administrative	3.8.6
annual	3.8.2
compensatory	3.8.4
Family & Medical Leave Act	3.8.6
holidays	3.8.1
industrial	3.8.5
other	3.8.7
parental	3.8.7
sick	3.8.3, 3.8.7
Memorandum of Concern	3.3.1
Notice of Charge(s) of Misconduct	3.3.4
Political Activity	3.9.3
Probation	3.2.3, 3.6.1,
Promotion	3.6.1
Reduction in Force	3.6.3
Reemployment	3.7.3
Reinstatement	3.7.3
Reorganization	3.6.3
Reprimand	3.3.1
Resignation	3.7.1
Reversion	3.6.1
Rules	3.2.2
Standards of Conduct	3.9.1
Suspension	3.3.2
Temporary or Seasonal Employee	3.2.4, 3.6.3
Transfer	3.6.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Uncovered Employees	3.2.1
PREGNANCY/MATERNITY	15.7, 15.7.1
PRE-HEARING CONFERENCES	10.9.5.1
PREPONDERANCE OF THE EVIDENCE	10.9.9.9.1
PRIVILEGE	10.9.9.8.6
PRIVILEGES AND IMMUNITIES CLAUSE	15.5.2
PROCEDURAL RIGHTS	10.2.4
PROCUREMENT, see generally	Chapter 5
Advertising	5.3.5.1 - 5.3.5.2
Antitrust, see also ANTITRUST	5.9 - 5.9.10
Bids, see generally	Chapter 5
competitive sealed bidding	5.3.5.1
evaluation and award	5.3.5.1.2
invitation for bids (IFBS)	5.3.5.1.1, 5.4.3, 5.4.8
modification, correction	5.4.7
violations, see ANTITRUST	
withdrawal	5.4.7
Code	5.2 - 5.2.5.23
applicability	5.2 - 5.2.5.23
enforcement	5.8.1
exemptions	5.2.4 - 5.2.5.23
procedures	5.3 - 5.3.7.3,
remedies	5.6 - 5.6.7
appeals	5.6.2.2
exclusive	5.6.1
hearings	5.6.5
judicial review	5.6.7
rehearing	5.6.6
suspension	5.6.4
requirements	5.4 - 5.4.13
violation, see also ANTITRUST	5.8 - 5.8.3
immunity, see IMMUNITIES	
penalties	5.8.2, 5.8.3
Conflict of Interest	5.4.11
Construction	1.7.1, 5.3.5, 5.4.4.1
Contracts, see also CONTRACTS	
claims	5.6.3 - 5.6.3.2
multi-term	5.4.9
written	5.4.6

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Contractual Services	5.3 - 5.4.13
Cost or Pricing Data	5.4.5
Damages	5.6 - 5.6.7
Discrimination	5.4.12
Emergency Procurement	5.3.4
Intergovernmental Agreements	5.7 - 5.7.2
Materials and Services	5.3.5 - 5.3.5.2
Materials Management	5.5, 5.5.1
Negotiated Contracts	5.3.7.1
Prequalification of Contractor	5.4.2
Procurement Officer	5.6.2.1, 5.9.1
Professional Services	5.2.3 - 5.2.3.2, 5.3.6 - 5.3.7.3
Proposals	
competitive sealed proposals	5.3.5.2
request for proposals	
cancellation	5.4.8
conformity to specifications	5.4.3
for fee	5.3.7.2
professional services	5.3.6
Protested Solicitations and Awards	5.6.2 - 5.6.2.2
Responsible Bidder	5.4.1
Right to Audit Records	5.4.10
Security for Bids and Contracts	5.4.4
Sole Source Procurement	5.3.3
PUBLIC EMPLOYEES AND OFFICERS, see generally	Chapter 2
Appointment	2.5, 2.52
Assistants	2.12
Authority	2.4, 8.2.3
Compensation and Salaries	2.13
Conflict of Interest, see CONFLICT OF INTEREST	
Crimes Committed, see also ENFORCEMENT	2.15
Definitions	2.2
Deputies	2.12
Duties	2.4
Election	2.3
Gifts	16.2.10, 16.7
Immunity, see IMMUNITIES	
Impeachment	2.11
Liability, see LIABILITIES	



## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Loyalty Oath	2.6
Misconduct	2.11, 2.15
Nomination	2.5, 2.5.1
Qualifications	2.3
Representation in Civil Actions	1.3.5
Removal	2.8
Resignation	2.9
Responsibilities	2.4
Salaries	2.13
Tenure	2.5.1.3
Term of Office	2.7, 2.10
Vacancy	2.5 - 2.5.1.3, 2.6, 2.8
PUBLIC MEETINGS, see OPEN MEETING LAW	
PUBLIC MONIES, see generally	Chapter 4
Appropriations	4.5, 4.6, 4.11.1 4.11.3
lack of appropriation	4.10, 4.11.3
lapsing of appropriation	4.8, 4.9.3.3
Collection	4.2
Claims, see CLAIMS AGAINST THE STATE	
Custodian	4.13
Deposit of Monies Received	4.3
Disposition of Monies Received	4.4 - 4.4.4
Encumbrance	4.6.4
Expenditure	4.5 - 4.6.5
illegal	4.11.4
public purpose	4.6.5, 4.11.2
Federal Monies	4.4.3, 4.5.2
Fiscal Year Limitations	4.7.4, 4.8, 4.9.1.1.2, 4.11.1
General Fund	4.4.1, 4.5.1
Interagency Service Agreements	4.5.1.3
Interest	4.4.2, 4.12
Private Monies	4.4.4, 4.5.3
Procurement, see PROCUREMENT	
Recovery of Illegal Payments	4.12
Refunds	4.5.4, 4.9.1.2, 4.9.2.5
Revolving Funds	4.4.2.1, 4.5.1.2
Separate Funds	4.4.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Special Funds	4.4.2, 4.5.1
Suspense Funds	4.4.4, 4.5.4
Transfer of Appropriated Funds	4.6.3
Warrants	4.7.3
PUBLIC RECORDS, see generally	Chapter 6
Access	6.5, 6.6.2
Applicability	6.2.1 - 6.2.1.2
Commercial Use	6.5.5
Confidential Records	6.4.1, 6.5.1, 8.12, 8.13
Defined	6.2.1.1
Denying inspection	6.4 - 6.4.4
Destruction	6.7.5
Disclosure	6.4, 6.4.3, 8.12, 8.13
Disposition	6.7.5
Examples	6.3
Fees	6.5.3 - 6.5.6
Inspection	6.4, 6.5.2
Maintenance	6.7.1
Minutes of Public Meetings	7.8 - 7.8.4
Non-commercial Use	6.5.4
Privacy Interests	6.4.2
Public Body Defined	6.2.1.2
Requests by Litigants	6.4.4
Requirements	6.2 - 6.2.1.2
size	6.7.3
quality	6.7.2
storage	6.7.2
Wrongful Denial of Access	6.6 - 6.6.2
PURCHASING, see PROCUREMENT	
QUORUM REQUIREMENTS	10.9.4.3, 10.10.4
RACE DISCRIMINATION	15.2-15.4, 15.14, 15.18
REASONABLE ACCOMMODATION	
Disabilities	15.11, 15.11.1, 15.11.4, 15.14
Religion	15.6
REASONABLE NOTICE	10.5.3
REGULATIONS, see RULE MAKING	
REGULATORY BILL OF RIGHTS	10.5.6

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
REHABILITATION ACT OF 1973	15.11, 15.11.3, 15.25.4, 15.27
REHEARING	10.5.3.5, 10.14.2.1- 10.14.3
by prosecutor	10.14.3
notice of right in final order	10.11.2
RELIGIOUS DISCRIMINATION	15.2, 15.3, 15.6, 15.18
REPRESENTATION	10.6.4
Attorney Not Admitted to State Bar	10.6.4.2
Counsel, right to	10.5.3.3
Layperson	10.6.4.1, App. 10.1
RESPONSE TO COMPLAINT	10.8.5
RETALIATION	15.2, 15.3, 15.13
"REVERSE" DISCRIMINATION	15.4, 15.14
RIGHT TO COUNSEL	10.5.3.3
RULE MAKING, see generally	Chapter 11
Administrative Rules Oversight Committee	11.7.9
Adoption of Rules	11.4
authority to adopt	11.4.1
emergency	11.8
procedures	11.8.2
Amendment of Rules	11.5.5
Attorney General Review	11.6.2.1, 11.7.3.5.1
Authority	11.4 - 11.4.3
Codification	11.7.3.2.2
Concise Explanatory Statement	11.7.8.1.2, App. 11.3
Definition	11.2
Delegation Agreements	11.1.1
Discretionary Rules	11.4.2
Docket	11.7.2
Drafting	
codification requirements	11.7.3.2.2
guidelines	11.7.3.2.3
requirements, format	11.7.3.2.1
Economic Impact	11.7.8.1.3
Emergency Rule	
adoption	11.8, 11.8.2
permanent status attainment	11.8.4
Exemption	11.6.2

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
Filing	11.7.4
Five-year review reports	11.14
Format	11.7.3.2.1
Forms	11.5.2
Governor's Regulatory Review Council	11.7.2.5.1-2, 11.7.8, 11.7.8.2-11.7.8.2.4
Incorporation by reference	11.7.3.2.4
Internal policy documents	11.3.1
Mandatory Rules	11.4.2
Modification of Rules	11.7.7
Notice	11.7.4
Preamble	11.7.3.3
Procedures	11.6.1.1
Proceeding	
oral	11.7.5.2
written	11.7.5.1
Public Comment	11.7.5
Repeal of Rules	11.5.5
Rules Establishing Fees	11.5.3
Rules of Practice	11.5.1
Small Business	11.7.8.1.3
Steps in Rule Making	App. 11.1 & 11.2
Substantive Policy Statements	11.3.1
Summary Rule-making	11.9
Termination of Rule Making	11.7.11
Time Frames	11.5.4
RULES APPLICATION, see ADMINISTRATIVE ADJUDICATIONS	
RULES OF PRACTICE BY AGENCY	10.5.4
SANCTIONS	10.10.3
SERVICE, complaint and notice of hearing	10.8.3
Timing	10.8.4
SERVICE OF PROCESS	13.2 - 13.2.5.3
SETTLEMENT	10.5.5
SEX DISCRIMINATION	15.2, 15.3, 15.7, 15.14, 15.18
SEXUAL HARASSMENT	15.7, 15.7.2, 15.9
Hostile Environment	15.7.2, 15.9
Policy	3.11.3.1; App. 3.2
Quid Pro Quo	15.7.2
SOLICITOR GENERAL	10.16

## SUBJECT MATTER INDEX

SUBJECT	TEXT SECTION(S)
STANDARD OF PROOF	10.9.9.9.1
STATUTORY EXEMPTIONS	10.2.1
STIPULATIONS	10.5.5, 10.9.5.2, 10.9.9.7.3
SUBPOENAS	10.9.8-10.9.8.4
Application	10.9.8.3
Authority	10.9.8.2
Enforcement	10.9.8.4
Form	App. 10.4
Objections	10.9.8.4
Types	10.9.8.1
SUMMARY PROCEEDINGS	10.3
Summary Suspension	10.5.1.2
SUNSET LAW	2.14
TORT CLAIMS, see generally	13.5 - 13.5.3
Adjustment	4.9.3.1
Agency as Defendant	13.5.2.3
Attorney's Fees and Costs, see ATTORNEY'S FEES AND COSTS	
Interest	13.5.2.5
Judgment	13.5.2.5
Legal Disability	13.5.1.3.1
Notice of Claim contents	13.5.1.1 - 13.5.1.3 13.5.1.1
Time for Filing	13.5.2.1
WAIVER	10.2.4
WITNESSES, disclosure	10.9.6.1